REMARKS

This amendment is submitted in response to the Examiner's Action dated May 14, 2004. Applicants have amended the claims to clarify key features of the invention. Two new claims were added covering features of the invention disclosed in the specification. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

ALLOWABLE SUBJECT MATTER

In the present Office Action, Examiner states that Claims 4-9, 13-18 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above presented amendments to the independent claims and arguments proffered below places all claims in condition for allowance, and Applicants respectfully request Examiner extend the allowance to include all pending claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 1, 2, 10, 11 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wallace, Jr.* (U.S. Patent No. 6,349,269) in view of *Keane, et al.* (U.S. Patent No. 5,488,331). Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wallace*, in view of *Keane*, and further in view of *Odsohhara* (U.S. Patent 6,574,740). Arguments below are directed to both rejections.

There is no motivation in either reference to combine the features of *Wallace* with those of *Keane*. *Wallace* provides a "thermal management data prediction system" that utilizes two prior temperature values of a processor taken over a period of time to predict (extrapolate) a future temperature value (Summary; col. 3, lines 43-65). The future value then enables a determination of the time until shutdown occurs, etc. (*id.*) and a warning is issued to the user when the value exceeds a limit/threshold value (col.8, lines 9-16).

Keane, in contrast, provides a high power radio-frequency amplifier with a description of the circuitry and associated currents therein. *Keane* does mention a thermal sensor used for

"presetting the operating voltage when operation has been interrupted for a predetermined period of time (Abstract). However, nothing in *Keane* would lead one skilled in the art to extend this simple reference in the context of a radio amplifier circuit to a data processing system environment.

It should also be noted that while the two patents do mention a thermal sensor, the purpose/use for the sensor in both patents are very different from each other. As mentioned above, *Wallace* utilizes the sensor to obtain values to extrapolate a future temperature value, while *Keane* uses the temperature values solely to retain a history (**past** values) of the temperature required to preset the operating voltage when operation has been interrupted.

There is absolutely no synergistic benefit obtained from a combination of these references, and Applicants are unsure what the result of such a combination, if made, would be. Clearly, these two patents are in un-anologous arts requiring different skill sets (e.g., engineers with different backgrounds who would not be inclined to reference each other's work). At the time of Applicants' invention, one skilled in the computer arts would most likely not be inclined to reference an amplifier design in determining how to provide (within the BIOS of a computer system) the correct temperature parameters for new models of a processor.

In addition to the fact that one skilled in the art would not be inclined to make the above combination, it appears that Examiner has mischaracterized what is taught by *Wallace* in rejecting the specific features recited by Applicants' claims. For example, Examiner relies on *Wallace* to reject (1)reading thermal profile from a patch file, and (2) associating data of the thermal profile with a BIOS via a flash utility. Column 3, lines 7-65 and col. 8 lines 9-14 are both devoid of any teaching or suggestion of these two features of Applicants' independent claims.

Col. 3, lines 7-65 provides a description of a bus interface controller performing a memory controller function (ll 7-19) and an interface between the bus and I/O bus (ll 30-42). Also provided is a general description of the functionality of the BIOS in bridging communication between the OS and application programs and manipulation of the I/O ports and

hardware (ll.20-29). Finally, lines 43-67 discuss the use of a temperature sensor simply to record the temperature values for forwarding to the prediction system and then calculating a slope for future temperature value calculation as well as a time until shutdown.

Col. 8, ll 9-14 provides a description of the prediction system and issuing a warning to the user when the calculation indicates the future temperature value is greater than a limit value.

The focus of *Wallace* is clearly not in updating the BIOS for a data processing system with correct temperature parameters of the processor but rather in preventing a shutdown of the system due to overheating. Clearly, the above sections of *Wallace* and *Wallace* in its entirety are devoid of most of many of the key features provided by Applicants' claims.
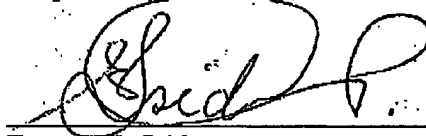
Given the above reasons, it is clear that the combinations of references do not suggest key features of Applicants' invention. One skilled in the art would not find Applicants' invention unpatentable over the combinations of references. The above claims are therefore allowable over the combination.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to more clearly recite the features of the invention. The amendments overcome the §103 rejection, and Applicants, therefore, respectfully request reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

Eustace P. Isidore
Registered with Limited Recognition (see attached)
Dillon & Yudell LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)